



501.39983X00

#11
Election
D. Smalls-Logan
1-16-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: NABATAME et al
Serial No.: 09/806,861
Filed: April 5, 2001
For: Semiconductor Device And Manufacturing Method Thereof
Art Unit: 2812
Examiner: Kennedy, J.

TECHNOLOGY CENTER 2800

DEC 27 2002

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RESPONSE

Assistant Commissioner For Patents
Washington, D.C. 20231

December 26, 2002

Sir:

This is in response to the Office Action mailed November 25, 2002, in connection with the above-identified application.

In response to the election of species requirement in the outstanding office action, applicants elect the "first embodiment" represented by Figures 1, 4 and 5. Claims 1, 2, 5, 8, 9 and 12 are readable on the elected embodiment.

Applicants note the Examiner has continued and made final the previous restriction requirement. Applicants reserve the right to petition from the requirement for restriction, noting that the petition may be deferred until after final action on or allowance of claims to the invention elected. 37 CFR 1.144.

Examination of the elected invention is requested.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance of all of the claims now in the application are requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing

of this paper, including extension of time fees, to the deposit account of Antonelli,
Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 501.39983X00),
and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



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